

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 13, 2015 at 8:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 43, 2/5/2015; HB 133, 2/5/2015; HB 88, 2/11/2015; SR 9,
2/5/2015; SR 10, 2/5/2015; SR 11, 2/5/2015; SR 15, 2/5/2015

Executive Action: SB 187-Do Pass-failed; Remains in committee

HEARING ON HB 88

Opening Statement by Sponsor:

00:01:08 Rep. Sarah Laszloffy (R), HD 53, opened the hearing on HB 88, Generally revise laws related to sex offender registration.

Proponents' Testimony:

00:03:03 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

00:10:20 Derek VanLuchene, Ryan United

00:16:34 Shane Morigeau, Confederated Salish and Kootenai Tribe (CSKT)

[EXHIBIT\(jus33a01\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:17:35 Sen. Sands

00:18:05 Mr. Bennion, DOJ

00:23:31 Sen. Larsen

00:24:17 Mr. Bennion

00:24:59 Sen. Moe

00:25:41 Mr. VanLuchene, Ryan United

Closing by Sponsor:

00:28:00 Rep. Laszloffy

HEARING ON HB 43

Opening Statement by Sponsor:

00:28:36 Rep. Margaret (Margie) MacDonald (D), HD 51, opened the hearing on HB 43, Revise executive clemency laws.

Proponents' Testimony:

00:34:03 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)

00:35:50 Al Smith, self, Great Falls

00:38:29 Amber Foster, self

00:41:09 Sue Smith, self, Great Falls

00:42:32 Joyce Ranum, also for Frank Crowley, Dan Gengler, Moe Wosepka, Bob Kolar

[EXHIBIT\(jus33a02\)](#)

00:43:40 Nancy Schwend, self
[EXHIBIT\(jus33a03\)](#)

00:49:04 Connie Dawson, self, Great Falls
00:49:30 Sister Johnelle Howanach, self, Great Falls
00:52:00 Bonnie Jorgensen, self, Great Falls
00:53:01 Hal Jorgensen, self, Great Falls

Opponents' Testimony:

None

Informational Testimony:

00:54:22 Timothy Allred, executive director, Board of Pardons and Parole, Department of Corrections (COR)

Questions from Committee Members and Responses:

00:54:47 Sen. Moe
00:55:34 Rep. MacDonald
00:57:28 Sen. Moe
00:57:37 Mr. Allred, COR
00:59:17 Sen. Fielder
00:59:55 Rep. MacDonald
01:00:52 Sen. Hinkle
01:01:37 Mr. Allred
01:02:52 Julianne Burkhardt, Legislative Services Division (LSD)

Closing by Sponsor:

01:03:41 Rep. MacDonald
[EXHIBIT\(jus33a04\)](#)

HEARING ON HB 133

Opening Statement by Sponsor:

01:06:01 Rep. Margaret (Margie) MacDonald (D), HD 51, opened the hearing on HB 133, Authorize the public defender to award fixed-fee contracts.

Proponents' Testimony:

01:09:46 Wendy Johnson, contract manager, Office of the Public Defender (OPD), State of Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:13:33 Sen. Larsen
01:14:04 Rep. MacDonald
01:14:29 Ms. Johnson, OPD

Closing by Sponsor:

01:15:31 Rep. MacDonald

(Chairman Sales relinquished Chairperson's role to Vice Chair Fielder)

(Sen. McNally absent from the hearing room)

HEARING ON SR 15

Opening Statement by Sponsor:

01:16:53 Sen. Scott Sales (R), SD 35, opened the hearing on SR 15, Confirm Governor's appointees to the judiciary.

Proponents' Testimony:

01:18:04 Jim Shea, associate justice, Montana Supreme Court (MSC), State of Montana
01:21:28 Michael Moses, district court judge, 13th Judicial District, Billings
01:26:06 David Sandler, judge, Workers Compensation Court (WCC), Kalispell
[EXHIBIT\(jus33a05\)](#)
[EXHIBIT\(jus33a06\)](#)

01:30:14 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:31:24 Sen. Sands
01:33:09 Mr. Shea, MSC
01:35:34 Sen. Hinkle

01:35:59 Mr. Shea
01:37:33 Mr. Moses
01:39:14 Mr. Sandler, WCC
01:40:51 Vice Chair Fielder
01:41:18 Mr. Moses
01:42:37 Vice Chair Fielder
01:42:58 Mr. Shea

Closing by Sponsor:

01:46:08 Sen. Sales

HEARING ON SR 11

Opening Statement by Sponsor:

01:46:24 Sen. Scott Sales (R), SD 35, opened the hearing on SR 11, Confirm chief water judge and associate water judge.

Proponents' Testimony:

01:47:13 Russ McElyea, chief water judge, Montana Water Court (MWC), Bozeman
01:50:16 Doug Ritter, associate water judge, Montana Water Court (MWC), Bozeman
01:52:50 Mike Murphy, Montana Water Resource Association (MWRA), also for Jay Bodner, Montana Stockgrowers Association (MSA)
01:53:56 Chelcie Cremer, Montana Farm Bureau Federation (MFBF)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:54:56 Sen. Hinkle
01:55:38 Mr. Elyea, MWC

Closing by Sponsor:

01:56:03 Sen. Sales

HEARING ON SR 10

Opening Statement by Sponsor:

01:56:25 Sen. Scott Sales (R), SD 35, opened the hearing on SR 10, Confirm appointee to board of pardons and parole.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:57:35 Sen. Sales

HEARING ON SR 9

Opening Statement by Sponsor:

01:58:11 Sen. Scott Sales (R), SD 35, opened the hearing on SR 9, Confirm Governor's appointments related to crime control and public safety.

Proponents' Testimony:

01:59:05 Danna Jackson, federal prosecutor, US Attorney, Helena
02:00:23 Mark Murphy, Montana County Attorneys Association, (MCAA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)
02:02:40 Deb Matteucci, executive director, Montana Board of Crime Control (MBCC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:03:23 Sen. Swandal
02:04:05 Mr. Murphy, MCAA
02:05:06 Vice Chair Fielder
02:05:32 Julianne Burkhardt, Legislative Services Division (LSD)

Closing by Sponsor:

02:05:48 Sen. Sales
02:06:08 Sen. Sands
02:06:19 Sen. Sales
02:07:24 Vice Chair Fielder
02:07:41 Sen. Sands

(Chairman Sales resumed Chairperson's role)

EXECUTIVE ACTION ON SB 187

02:08:02 **Motion/Vote:** Sen. Fielder moved to **RECONSIDER THE MOTION** on **SB 187**.
Motion carried 7-5 by voice vote with Sen. Driscoll, Sen. Larsen, Sen. McNally,
Sen. Moe and Sen. Sands voting no. Sen. Hansen and Sen. Vincent voted by
proxy.

02:09:20 **Motion:** Sen. Fielder moved that **SB 187 DO PASS**.

Discussion:

02:09:42 Sen. Sands
02:10:01 Julianne Burkhardt, Legislative Services Division (LSD)
02:10:25 Sen. Sands
02:10:59 Sen. Fielder
02:11:21 Ms. Burkhardt, LSD
02:11:47 Sen. Fielder
02:13:08 Sen. Moe
02:14:07 Sen. Swandal
02:15:00 Sen. Larsen
02:15:19 Ms. Burkhardt
02:16:04 Sen. Fielder

02:17:01 **Vote:** Motion failed 5-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen.
Hinkle, Sen. Kary and Sen. Swandal voting aye. Sen. Hansen and Sen. McNally
voted by proxy. Sen. Vincent was excused. (Bill remains in committee)

ADJOURNMENT

Adjournment: 10:19 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus33aad.pdf](#))